

Notice of Allowability

Application No.

09/901,874

Examiner

Sandra M. Nolan

Applicant(s)

AMANO ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 05 October 2004.
2. ☒ The allowed claim(s) is/are 1,2,6-12 and 14-23.
3. ☒ The drawings filed on 09 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

S. M. Nolan - Rayford
SANDRA M. NOLAN - RAYFORD
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The base claims, i.e., claims 1, 6, 11, can be summarized as follows:

Claim 1 covers an easy-to-open tubular sealed casing comprising:

-a base composite plastic film with at least three film layers including a outer layer film that is a surface film when the film is in tubular form,

-an intermediate layer film,

-an inner layer film,

with the film being formed into a tube by bending the base film with overlaying of two edges of the base film; and

-a heat seal section formed by heat sealing the overlaid section to seal together a portion of the outer layer to the inner layer so that a not heat sealed section is left along the edge of the film, with a notch provided in the non sealed section,

wherein the peel strength between the outer and intermediate layers is lower than the peel strength between the outer and the intermediate layers so that pulling of the non sealed section adjacent to the notch causes the outer layer to be disrupted and then peeled off from the intermediate layer starting adjacent to the heat sealed section to open the casing.

Claim 6 covers an easy-to-open tubular sealed casing comprising:

-a base composite film comprising an outer layer film, an inner layer film and the intermediate layer film between the outer and inner layers, said composite film being formed into a tubular form by bending the base film and overlaying two edges of it; and

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-a heat seal formed by heat sealing the overlaid section to form a heat sealed section between the outer film and the inner film and a not heat sealed section outward of the heat sealed section, with the peel strength between the outer film and the intermediate film being lower than the peel strength between the inner film and the intermediate film, whereby the casing is opened by pulling the not heat sealed section causing the outer layer to be disrupted adjacent to the heat sealed section and then peeled from the intermediate film layer.

Claim 11 covers a tubular casing comprising:

- an intermediate layer with first and second sides,
 - a first layer on the first side of the intermediate layer being connected to the intermediate layer at a first peel strength,
 - a second layer on the second side of the intermediate layer being connected to the intermediate layer at a second peel strength,
- with the second peel strength being greater than the first peel strength; and
- a heat seal made by heat sealing two portions of the layers to form a heat sealed section and a not heat sealed section outward of the heat sealed section, wherein opening of the casing is caused by pulling the not sealed section, disrupting the first layer adjacent the heat sealed section and peeling it from the intermediate layer.
3. Applicants' casings are tubular, with inner, intermediate and outer layers, heat sealed and not heat sealed portions, and differing peel strengths at intermediate/outer layer connections versus inner/intermediate layer connections. None of the prior art of record teaches or suggests casings having all of these features.

Withdrawal of Objections

4. All objections made in the 25 August 2004 office action have been overcome by the amendments and arguments set out in the 05 October 2004 response.

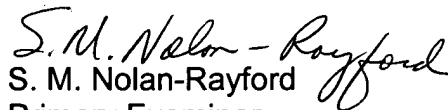
Citation as of Interest

5. US 5,860,744, to Schulz, is cited as of interest for teaching 3-layer packages in which the inner and outer layers have a peel strength that is the same or higher than the peel strength between the intermediate layer and the outer layer. Its packages are not casings and that they do not require differing intermediate/outer layer peel strengths and inner/intermediate layer peel strengths.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time. If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498. The fax number for patent application documents is 703/872-9306.


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Primary Examiner
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09901874(20041213)

**SANDRA M. NOLAN
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